

1 Rebecca Pennell
2 Federal Defenders of Eastern Washington and Idaho
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4 || Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,) CV-12-0534-LRS
8 Plaintiff,) Declaration of Counsel
9 Vs.)
10 \$12,094.42 U.S. CURRENCY,)
11)
12 Defendant.)
13 _____)

13 To: MICHAEL C. ORMSBY, United States Attorney
JAMES A. GOEKE, Assistant United States Attorney

15 Pursuant to 28 U.S.C. § 1746, I, Rebecca L. Pennell, declare under
16 penalty of perjury that the following is true and correct:

17 1. On July 12, 2013, the Court appointed the Federal Defenders as
18 counsel for Mr. Isaac Glen Aguigui, based upon his alleged interest in
19 the current *in rem* proceeding. ECF No. 18. The undersigned filed a
20 notice of appearance in response to the Court's order of appointment.
21 2. Mr. Aguigui is currently in custody in the State of Georgia. The
22 undersigned has been in contact with Mr. Aguigui's appointed counsel in
23 Georgia, Newell Hamilton. According to Mr. Hamilton as well as records

1 received from Georgia, Mr. Aguigui was convicted of two counts of
2 murder and four counts of street gang terrorism in Long County Georgia
3 on July 19, 2013, pursuant to a negotiated plea. Exhibits A and B. Mr.
4 Aguigui was sentenced to life without the possibility of parole, along with
5 concurrent 15 year sentences. Exhibit A at 2. Pursuant to the terms of
6 his plea, Mr. Aguigui agreed to forfeit "all assets and property"
7 previously "seized by the government in 2012 from this Defendant under
8 violations of federal law." Exhibit A at 3.

9 3. The undersigned has confirmed with Mr. Hamilton that Mr. Aguigui's
10 negotiated resolution in the Georgia case contemplated forfeiture of the
11 assets at issue in this matter. Indeed, the current complaint indicates
12 that the assets at issue were seized by the FBI on or about March 9,
13 2012. ECF No. 1. at 7. Thus, they are covered by the plain terms of Mr.
14 Aguigui's judgment. Exhibit A at 3.

15 4. Given the foregoing circumstances, it appears that there is no
16 impediment to the Court issuing a default judgment in favor of the
17 government in this case.

18 5. Once judgment is entered, the undersigned would request that the
19 Court issue an order relieving the Federal Defenders of further
20 representation in this matter.

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1 Dated: March 6, 2014 in Yakima County, Washington
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3 Respectfully Submitted,
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5 S/ Rebecca Pennell
6 Rebecca Pennell, WA 27851
7 Attorneys for Isaac Glen Aguigui
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9 Eastern Washington and Idaho
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15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on March 6, 2014, I electronically filed the
17 foregoing with the Clerk of the Court using the CM/ECF System which
18 will send notification of such filing to the following: JAMES A. GOEKE,
19 Assistant United States Attorney.

20
21 S/ Rebecca Pennell
22 Rebecca Pennell, WA 27851
23 Attorneys for Isaac Glen Aguigui
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